

May 30, 2014

**VIA ECF AND FAX TO (212) 805-7986**

Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
500 Pearl Street  
Daniel Patrick Moynihan Courthouse  
New York, NY 10007

*Re: Lexos Media, Inc. v. Zynga, Inc.*  
Case No. 12-cv-7994-PGG

Your Honor:

On behalf of Plaintiff Lexos and Defendant Zynga, we submit this joint letter to inform the Court that Lexos withdraws its pre-motion letter to the Court, dated May 20, 2014. The parties have reached agreement regarding amending infringement and invalidity contentions.

The parties agree that Lexos may amend its infringement contentions to add five accused games: (1) CityVille 2, (2) ChefVille, (3) CoasterVille, (4) Ninja Kingdom, and (5) Roller Coaster Kingdom. In addition, Lexos will amend its invalidity contentions to replace asserted claims 57, 58, 59, 65, 66, 71, 72, 78, and 79 from the '241 patent with claims 70, 71, 72, and 73 from the '102 patent, and claims 1, 53, 72, and 77 from the '449 patent.

The parties agree that Zynga may amend its invalidity contentions to include Adveractive prior art identified in Adveractive's third party production, which was provided to Lexos on May 22 and 27. Lexos does not waive its arguments regarding any limit on the number of prior art references Zynga may assert.

As a result, there is no need to schedule a pre-motion conference.

Respectfully Submitted,

/s/ Sonali D. Maitra

Daralyn J. Durie (admitted *Pro Hac Vice*)  
Sonali D. Maitra (admitted *Pro Hac Vice*)  
DURIE TANGRI LLP  
217 Leidesdorff Street  
San Francisco, CA 94111  
Telephone: (415) 362-6666  
Facsimile: (415) 236-6300  
Email: ddurie@durietangri.com  
smaitra@durietangri.com

Attorneys for Defendant  
ZYNGA, INC.

/s/ Brett E. Cooper

Brett E. Cooper  
David R. Dehoney  
McKOOL SMITH  
One Bryant Park, 47th Floor  
New York, NY 10036  
Tel: (212) 402-9400  
Fax: (212) 402-9444  
Email: bcooper@mckoolsmith.com  
ddehoney@McKoolSmith.com

Attorneys for Plaintiff  
LEXOS MEDIA, INC.